IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

CRP.No. 675 of 2005()

SM.6/2001 of TALUK LAND BOARD, TIRUR

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REVN. PETITIONER:

KADAKKADAN IBRAHIM MASTER,
S/O.HYDROSS HAJI, CHENGOTTUR,
PONMALA, TIRUR TALUK.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

1. THE TALUK LAND BOARD,
TIRUR, REP. BY ITS CHAIRMAN.

2. THE TAHSILDAR, TIRUR.

3. THE VILLAGE OFFICER,
PONMALA, TIRUR TALUK.

4. THE STATE OF KERALA, REPRESENTED
BY CHIEF SECRETARY, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRP NO.675/2005

ORDER ON I.A. NO.1859/2005 IN CRP NO.675/2005

DISMISSED

31.7.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

/TURE COPY/
P.A. TO JUDGE

PIUS C. KURIAKOSE, J.

C.R.P.NO.675 of 2005

Dated this the 31st day of July , 2007

O R D E R

Assailing the order dated 26.5.2005 passed by the Taluk Land Board, this Civil Revision Petition has been filed under Section 103 of the K.L.R.Act urging various grounds. In fact Sri.K.K.Mohammed Ravuf, the learned counsel for the petitioner addressed arguments before me on the basis of all the grounds in the CRP, , but I do not propose to refer to all those arguments. I confining consideration to the first argument regarding the finding of the Taluk Land Board that total extent of 23.07 acres of land in re-survey No.290 of Ponmala village is in the possession of the declarant. As rightly submitted by the learned counsel for the petitioner, the above finding is directly against the report of the authorised officer. The authorised officer vide paragraph No.1 of his report has, in unambiguous terms, stated that the declarant does not have any land in this particular re-survey number in excess of 6.67 acres. In fact it is reported

that even out of the 6.67 acres 1 acre is quarry land. The Land Board in its order has decided to include the entire extent of 23.07 acres in re-survey number 290 ignoring the authorised officer's report on the reason that the declarant has not proved that these properties are not in his possession. The authorised Officer's report dated 4.4.2003 has not been given due credence by the Taluk Land Board. I am of the view that the Taluk Land Board is not justified in insisting that the decalarant petitioner should have produced negative evidence regarding the properties in R.S.No.290 which have been reported by the authorized officer not to be in possession of the petitioner. The learned counsel for the petitioner submitted that it may be possible for the petitioner to produce certificate from the local Tahsildar stating clearly that the petitioner does not have in his possession anything more than 6.67 acres of land in R.S.No.290 which has been reported by the authorized officer to be in his possession.

I set aside the impugned order and remand the case back to the Taluk Land Board. The petitioner will produce certificate from the local Tahsidlar to the effect that the petitioner is in

possession of 6.67 acres of land in R.S.No.290 of Ponmala village, before the Land Board. Once the certificate from the Tahsilder stating that the petitioner does not have in possession of anything more than 6.67 acres of land in R.S. No.290, the said certificate shall be accepted by the Taluk Land Board and fresh orders will be passed on the basis of that certificate. Since the matter is going back to the Taluk Land Board, the petitioner is permitted to urge all the grounds raised in this C.R.P. before the Taluk Land Board. Fresh orders as directed above shall be passed by the Taluk Land Board at the earliest.

PIUS C. KURIAKOSE,
JUDGE.

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